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***MEMBER NY, NJ, & CT BARS

November 8, 2022

Honorable Denise Cote
U. S. District Court
Southern District of New York
500 Pearl Street
New York, NY. 10007

Re: Kelvis Borgen v. Larry D Tell-Lee Jr.
Date of Accident: April 17, 2021
Index No.: 21-CV-08045 DLC
D&P No.: 3.1448

*The proposed certificate of
default must be filed by
11/22/22. The renewed motion for
default shall be filed by
12/22/22.*
Denise Cote
11/9/22

Honorable Judge Cote:

We represent the defendant Larry Tell Lee herein. In September 2022, we caused service of the third party complaint to be made upon the adverse driver herein, Mamadou Diallo, at four addresses in the Bronx.

Counsel for Uber only advised us on Friday and today that Mamadou Diallo's correct address is 1288 Washington, # 21 Bronx, NY 10456, which is not one of the four addresses that we had attempted.

Counsel also advised that Uber only served their third-party answer upon Mr. Diallo, not the third-party complaint.

Therefore, in order that we may serve the third-party complaint upon Mr. Diallo, defendant respectfully requests that the dates in your Honor's October 28, 2022 order, document number 56, be adjourned for 45 days.

If Mr. Diallo does not answer, we shall obtain a certificate of default from the Clerk, and move for default as directed in the aforesaid order.

Thank you for your attention to this matter.

Very truly yours,
DOWNING & PECK, P.C.

John M. Downing, Jr.
JOHN M. DOWNING, JR.

JDJ/de